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On 10 Sept - 2001

TOWNSEND and TOWNSEND and CRAWFORD LLP

By: Melinda A. Day

PATENT
Attorney Docket No.: 015662-0009-00

TECH CENTER 1600/2900

SEP 20 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MICHELLE MARKEY et al.

Application No.: 09/432,881

Filed: November 2, 1999

For: PHARMACOLOGICAL
PROLONGATION OF THE FED
MODE FOR ENHANCED DRUG
ADMINISTRATION

Examiner: Webman, E.

Art Unit: 1617

SUPPLEMENTAL ELECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Supplemental Election is submitted in response to the Communication mailed on August 14, 2001, in connection with the above patent application, and the telephone conference between Applicants' attorney and the examiner on September 6, 2001 initiated by Applicants' attorney for purposes of clarifying the Communication.

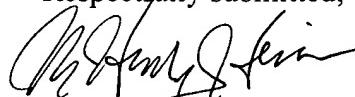
The August 14 communication requires two elections in addition to those made in Applicants' paper entitled "ELECTION" mailed on May 23, 2001. These two additional elections are as follows:

(1) The first is an election of the location of the fed mode inducing agent vis-à-vis the drug. Applicants hereby elect those species in which the fed mode inducing agent is incorporated into the same matrix in which the drug is incorporated. Claims reading on this species are claims 1, 2, 5-46, 48-51, and 56-99.

(2) The second is an election of the nature of the dosage form in terms of whether it is large enough prior to ingestion to promote gastric retention or swells after ingestion to a size large enough to promote gastric retention. Applicants hereby elect those species in which the dosage form swells after ingestion to a size large enough to promote gastric retention. Claims reading on this species are claims 1-4 and 6,99.

Combining these elections with the elections made by Applicants in their paper of May 23, 2001 (the composition claims of Group I and sodium docusate as the fed mode inducing agent), the claims of Group I that read on all three elections are claims 1, 2, 6, 14-18, 48-51, and 97-99.

Respectfully submitted,



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PTO/SB/21 (08-00)

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TRANSMITTAL FORM

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		Application Number	09/432,881
		Filing Date	November 2, 1999
		First Name Inventor	Markey, Micheline
		Group Art Unit	1617
		Examiner Name	Webman, E.
Total Number of Pages in This Submission		Attorney Docket Number	015662000900

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response – "Supplemental Election"	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input checked="" type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP M. Henry Heines	
Signature		
Date	September 10, 2001	

CERTIFICATE OF MAILING

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September 10, 2001

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